

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LINDA WILLIAMS SHELTON,)
)
Plaintiff,)
)
v.) Civil Action No.: CV-06-719-WKW
)
ALL STATE FREIGHTWAYS, INC.,)
)
Defendant.)

REPORT OF PARTIES' PLANNING MEETING

Come now the parties, Plaintiff Linda Williams Shelton and Defendant All State Freightways, Inc. and hereby submit this report of the parties' planning meeting.

1. Pursuant to Federal Rules of Civil Procedure 26(f), a meeting was held on September 22, 2006, by:
 - A. Michael S. Harper for Plaintiff
 - B. Steven K. Herndon for Defendant.
2. Pre-Discovery Disclosures. The parties will exchange the information required by F.R.C.P. 26(a)(1) within **21 days from the date of the Uniform Scheduling Order issued by the court to govern this case.**
3. Discovery Plan. The parties jointly propose to the court the following discovery plan to allow discovery on the following subjects:

Discovery should be allowed on all issues raised by the complaint and the answers including but not limited to, all information pertaining to the plaintiff's claims and damages and defendant's defenses.

A. All discovery commenced in time to be completed by Friday, September 28, 2007, except for witnesses whose names are not revealed until the final witness list or whose names are not revealed in sufficient time for other parties to take a deposition prior to the pretrial, in which case the opposing party may depose those witnesses after the discovery deadline.

B. Written discovery and depositions shall be governed and conducted in accordance with the Federal Rules of Civil Procedure and the following:

1. There will be a maximum of 40 interrogatories by each party to any other party. The responses will be due 30 days after service.

2. There will be a maximum of 40 requests for production of documents by each party to any other party. The responses will be due 30 days after service.

3. There will be a maximum of 40 requests for admission by each party to any other party, exclusive of requests dealing solely with the medical necessity of treatment rendered to the Plaintiff and the reasonableness of the fees charged therefor. Responses will be due 30 days after service.

4. The parties agree that no more than 20 depositions may be taken by a party without leave of the court or agreement of the parties. Each deposition of a non-party witness is limited to a maximum of five (5) hours unless extended by agreement of the parties. Depositions of the parties shall be limited to seven (7) hours.

C. Expert witnesses and reports from retained, non-health care experts under Rule 26(a)(2) will be due:

1. From plaintiff by Friday, **May 4, 2007; the plaintiff shall tender experts for deposition within 30 days thereafter.**
2. From defendant by Friday, **July 6, 2007; the defendant shall tender experts for deposition within 30 days thereafter.**

Each party shall bear the costs of its own health care experts.

Expenses for the actual deposition of non-healthcare experts shall be paid by the party taking the deposition excluding preparation time.

D. Supplementation under Rule 26(e) due according to the Federal Rules of Civil Procedure.

4. Other Items.

A. The parties do not request a conference with the court before entry of the scheduling order.

B. The parties request a pretrial conference on or about November 2, 2007.

C. The parties should be allowed until Friday, April 27, 2007, to join additional parties and until Friday, April 27, 2007, to amend the pleadings.

D. All potentially dispositive motions should be filed by Friday, August 3, 2007.

E. Settlement cannot be evaluated at this date.

F. Final lists of witnesses and exhibits under Rule 26(a)(3) should be due by Friday, October 19, 2007. Parties should have 14 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).

G. The case should be ready for trial by December 10, 2007, and at this time, it is expected to take approximately three to four days for trial.

Date: 28th day of September, 2006.

/s/ Michael S. Harper
MICHAEL S. HARPER (HAR094)
Attorney for Plaintiff

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AND

/s/ Steven K. Herndon
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